(23)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.4484 of 2006

PETITIONER	:	Guruprit Singh Bawra S/o Tejpal Singh Bawra, Aged about 38 year. New Bawra Transport, Namnakala, Ambikapur, District Sarguja (C.G.)
		Vs.
RESPONDENTS	1.	Regional Transport Authority, D.K.S. Bhawan, Raipur (C.G.)
	2.	Secretary, Regional Transport Authority, Link Road, Bilaspur (C.G.)
	3.	Dhananjay Soni, Shivaji Ward, Ramanujganj, District – Sarguja (C.G.)
	4.	State Transport Appellate Tribunal, Chhattisgarh, Ghari Chowk, Raipur, District – Raipur (C.G.)

Present : Shri A.K. Shrivatava, learned counsel for the petitioner.
Shri Yashwant Singh, learned G.A for the respondents 1, 2 and 4.
Shri Santosh Gupta, learned counsel for respondent No.3.

ORAL ORDER
(Passed on 24th August, 2006)

On an application made by the third respondent for grant of a fresh regular permit on route Khongapani to Ramanujganj, Via – Manendragarh, Nagpur, Surajpur, Ambikapur and back, the Regional Transport Authority having gone through the required procedure contemplated under the Motor Vehicles Act, 1988 (for short 'the Act') and the Rules framed thereunder, by its order dated 27/03/2006, granted regular Permit No.2538/B/2006 to the third respondent restricting the permit for the route Manandragarh to Ramanujganj, Via-Ambikapur. Calling in question the correctness of the above order of the first respondent, the petitioner herein preferred revision under Section 90 of the Act to the S.T.A.T. contending that since the third respondent had applied for the regular permit on route Khongapani to Ramanujganj, Via – Manendragarh, Nagpur, Surajpur,

Ambikapur and back, the order of the first respondent granting permit only for the route Manandragarh to Ramanujganj, Via-Ambikapur is illegal. It was also contended that on receipt of the application of the third respondent the same was published as it is for grant of permit on the route Khongapani to Ramanujganj, Via – Manendragarh, Nagpur, Surajpur, Ambikapur & back and not on the route Manandragarh to Ramanujganj, Via-Ambikapur. The S.T.A.T. without finding any merit in the above contention dismissed the Revision by its order dated 18/07/2006. Hence, this writ petition.

(2) I heard learned counsel for the parties. The ground urged before the STAT and reiterated before the Court is quite fallacious. It is not that there is any change in the route mentioned by the third respondent in his application. The first respondent for an obvious reason, the reason being that the route from Khongapani to Manendragarh was not formulated and having regard to the settled position in law, did not rightly grant the permit with regard to the above stretch of the route. Therefore, there is no substance in the contention raised before the Court. It also needs to be noticed that under sub-Section (1) of Section 72 of the Act, the Regional Transport Authority has undeniably the power to grant permit as sought in an application or with such modification as it deems fit. The power exercised by the first respondent to grant regular permit on the route only from Manandragarh to Ramanujganj squarely falls within the power of the first respondent as contemplated under sub-Section (1) of Section 72 of the Act. Looking from that angle also, the power exercised by the first respondent cannot be faulted. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Brajesh